

**Minutes
Bar Harbor Planning Board
Special Meeting
July 1, 2009
Council Chambers – Municipal Building
93 Cottage Street**

I. CALL TO ORDER — 6:07 p.m.

Ms. Stevens-Rosa called the meeting to order at 6:07 pm

II. EXCUSED ABSENCES

All members were present.

III. ADOPTION OF THE AGENDA

Ms. Stevens-Rosa noted that the agenda needed to reflect the election of officers as Item IV.

Mr. Cochary moved to adopt the agenda with election of officers as item IV. Ms. Williams seconded the motion and the Board voted unanimously to approve the motion.

Ms. Stevens-Rosa nominated Mr. Cochary for the position of chair. Ms. Williams seconded the motion. Mr. Cochary then nominated Ms. Stevens-Rosa for the position of char. Mr. Jardine seconded the motion. The motion to elect Mr. Cochary failed with the Board voting 2-0-2. Ms. Williams and Ms. Stevens-Rosa voted in favor of Mr. Cochary, while Mr. Cochary and Mr. Jardine abstained. The motion to elect Ms. Stevens-Rosa to the position of chair also failed 2-0-2. Mr. Cochary and Mr. Jardine voted in favor of Ms. Stevens-Rosa while Ms. Williams and Ms. Stevens-Rosa abstained.

The Board debated how best to proceed with the election of the chair. The Board then opened the discussion for public comment. Mr. Perry Moore provided his personal thoughts on why he believes there is a need for an alternating chair. He stated that it was beneficial for the strength of the Board to alternate this role and allow all members the chance to chair.

Ms. Williams nominated Mr. Cochary for chair. Ms. Krieg noted the vote does not require a second. The Board voted unanimously to approve Mr. Cochary as the new Chair.

Mr. Cochary opened nominations for the position of Vice Chair. Ms. Stevens-Rosa nominated Ms. Willaims for the position of Vice Chair. The Board voted unanimously to elect Ms. Williams as Vice Chair.

Ms. Stevens-Rosa nominated Mr. Jardine for the position of secretary. The Board voted unanimously to elect Mr. Jardine as Secretary.

IV. APPROVAL OF MINUTES

Ms. Williams moved to approve the minutes from the June 17, 2009 meeting. Mr. Jardine seconded the motion. The Board voted unanimously to approve the motion.

Ms. Williams moved to approve the minutes from the May 20, 2009 meeting. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

V. REGULAR BUSINESS

A. Continuation of a Public Hearing – SP-09-02 – West Street Hotel

Project Location: West Street, Bar Harbor Tax Map 104, Lots 113-118, 122, 123, 143, 144, 146, 147, 149

Applicant: North South Construction Inc.

Application: Hotel and Accessory Uses

Mr. Cochary noted that the Board finds it difficult to review documents submitted to them at the meeting.

Mr. Moore reviewed the list of waivers the project was applying for, noting that he believed this had already been done at a previous meeting. Mr. Cochary asked if any existing trees would be removed if the proposed project were approved. Mr. Jardine asked that the applicant maintain as many existing trees as possible. Mr. Cochary stated that any changes proposed to a road would fall under the purview of the Parking and Traffic Committee. Mr. Moore asked if the Board would like them to take their the site plan to the Parking and Traffic Committee for their review and endorsement. Ms. Williams asked that this committee provide recommendations to the applicant and the Board. Mr. Jardine echoed this sentiment. Mr. Cochary stated that Lennox Place is currently two way traffic. The applicant concurred. Mr. Moore then addressed issues with the traffic study Mr. Jardine had raised in the previous meeting. Mr. Moore stated that clarification would be provided at the next meeting. The Board discussed the definition of “new trips” and what DOT requirements stipulate as a threshold of significance. Mr. Jardine expressed concern for incremental changes to traffic patterns over time. Mr. Moore clarified that DOT accounts for cumulative impacts to traffic in their requirement for a traffic impact analysis. Mr. Cochary asked if the Board had any additional comments on the waivers proposed and then opened this portion of the hearing for public comment. There were no statements from the public.

Ms. Stevens-Rosa moved to accept the waivers as described by the applicant with an exception to E and F. She asked that a plan depicting the location of trees be provided. Ms. Williams seconded the motion. The Board voted unanimously to approve the motion.

Mr. John Hamer, an attorney for Mr. David Witham, spoke on behalf of Mr. Witham. Mr. Hamer asked that the applicant submit plans stamped by registered engineer. He also noted that the R/W on Lennox Place appears to be greater than 12' on the ground, and is currently used by two way traffic.

Mr. Witham then submitted a summary of parking that he estimated should be required by the hotel. The Board listened to the estimate and his method of analysis.

Mr. Stewart Brecher spoke in opposition to several aspects of the project. Primarily, he noted that that he was concerned with the definition and interpretation of Mean Original Grade. He stated that it was difficult to measure the projects Mean Original Grade with out an existing topographic survey. He stated that this is necessary in order to determine if the applicant's height estimates are correct.

Ms. Williams moved that the applicant establish an escrow account with the Town for third party review of water, sewer, and stormwater impacts and provisions. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

Mr. Moore stated he would like the Board to establish a topic for each night so that each Board meeting would run more smoothly.

Mr. Cochary asked if the Board would like to extend the usual one hour review period for this project. He suggested that an hour and a half might be more appropriate given the magnitude of the project. He also asked if the Board would like to discuss only one issue at each meeting. The Board debated these topics at length and finally determined they will decide the length of time they will allocate for the review of this project at the beginning of each meeting. The length of time allocated for review will be based upon the number of other items on the agenda. The Board also decided that they will attempt to keep the conversation at each meeting relevant to one topic area. Ms. Krieg stated she will provide a list of issues for discussion to the Board in advance so that at each meeting the Board members can decide what topic they will discuss. Ms. Krieg noted she will include this list in the next Staff Report.

Ms. Stevens-Rosa asked the applicant to submit a stamped survey with spot elevations to determine Mean Original Grade. She also requested cross sections of the building design. Mr. Moore stated that he would need additional time to submit those documents.

Mr. Jardine moved to continue the public hearing for this project to the next Planning Board meeting. Ms. Williams second the motion and the Board voted unanimously to approve this motion.

VI. OTHER BUSINESS

A. Continuation of discussion on the Town Hill mini-plan

Ms. Krieg provided a brief update to the Board.

B. Possible Endorsement of Foxfields Farm Subdivision

Ms. Krieg stated that she did not have these plans for the Board to sign.

VII. PLANNING DIRECTOR'S REPORT

A. Discussion of timeline for Land Use Plan and Land Use Ordinance Amendments from 2007 Comprehensive Plan.

Ms. Krieg discussed the timeline for implementation of amendments to the Land Use Ordinance. She noted that the Town is legally vulnerable when the Comprehensive Plan does not agree with Town ordinances. She further explained these issues in great detail. She stated that Town Hill, Route 3, and the Head of the Island areas all need to be addressed quickly to avoid future conflict. She also noted that additional money had been obtained for consultant fees to help with this process

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

There were none.

IX. ADJOURNMENT

Ms. Stevens-Rosa moved to adjourn the meeting. Ms. Williams seconded the motion and the Board voted unanimously to approve this motion. The meeting was adjourned at 7:58 pm.

Minutes prepared by Staff Planner Brian Madigan for Planning Board Review at their July 15, 2009 meeting

Signed as approved:

Lynne Williams, Secretary
Planning Board, Town of Bar Harbor

Date